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5 Attorneys for Crisis Collections Management, LLC  
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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF NEVADA  
9

10 TIMOTHY HARRIS, Pro Se

CASE NO: 2:11-CV-01490-RCJ-CWH

11 Plaintiff,

12 vs.

13 CRISIS COLLECTIONS MANAGEMENT,  
LLC; FORD MOTOR COMPANY dba  
14 FORD MOTOR CREDIT COMPANY; and  
DOES 1-10,  
15

Defendants,  
16 \_\_\_\_\_ /

17 **MOTION TO DISMISS COMPLAINT OR, IN THE ALTERNATIVE,**  
18 **MOTION FOR MORE DEFINITE STATEMENT**

19 Defendant, Crisis Collections Management, LLC ("CCM"), moves this honorable Court  
20 or an order dismissing the Plaintiff's Complaint or, in the alternative, requiring the Plaintiff to  
21 comply with Rule 10 of the Federal Rules of Civil Procedure and provide a more definite  
22 statement. This motion is made pursuant to and in accordance with Rule 12(b) and/or Rule 12(e)  
23 of the Federal Rules of Civil Procedure. This motion is based upon the attached points and  
24 authorities and is made in good faith and not for the mere purpose of delay.

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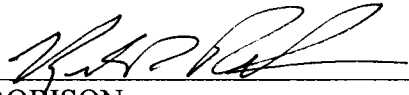
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1 DATED: This 10<sup>th</sup> day of October, 2011.

2 ROBISON, BELAUSTEGUI, SHARP & LOW  
 3 A Professional Corporation  
 4 71 Washington Street  
 5 Reno, Nevada 89503

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 7 KENT R. ROBISON  
 8 Attorneys for Defendant  
 9 Crisis Collections Management, LLC

10 **POINTS AND AUTHORITIES IN SUPPORT OF**  
 11 **MOTION TO DISMISS COMPLAINT OR, IN THE ALTERNATIVE,**  
 12 **MOTION FOR MORE DEFINITE STATEMENT**

13 Plaintiff's Complaint violates Fed. R. Civ. P. 10. Rule 10(b) provides that a party must  
 14 state its claims in numbered paragraphs, each limited as far as practicable to a single set of  
 15 circumstances. As far as practicable, a party should set forth each distinct allegation of fact in a  
 16 separate paragraph and each paragraph should be numbered. *Politcov Promus Hotels, Inc.*, 184  
 17 F.R.D. 232, 234 (E.D. N.Y. 1999). The purpose of this requirement is to ensure a pleading that  
 18 is easily understood by both the opponent and the court. *Allum v. Life Ins. Co. of North America*,  
 19 267 F.R.D. 407, 409 (N.D. Ga. 2009). The Complaint as drafted is not understandable.

20 Plaintiff's Complaint consists of a series of unnumbered paragraphs stating general  
 21 conclusions and arguments. None of the paragraphs are numbered. Defendant, CCM, therefore  
 22 cannot comply with Fed. R. Civ. P. 8. Rule 8 requires a defendant to respond to a plaintiff's  
 23 allegations in short and plain terms "to each claim asserted" against it. Further, CCM is required  
 24 to admit or deny the "allegations" asserted against by the Plaintiff. The Plaintiff's Complaint,  
 25 consisting of a series of unnumbered paragraphs, generalities, and legal arguments, makes it  
 26 impossible for CCM to draft a comprehensive and competent responsive pleading.

27 Also, improper paragraph numbering will not defeat a pleading unless the violations  
 28 interfere with the ability to understand the claims or otherwise cause prejudice. *Phillips v.*  
*Girdich*, 408 F.3d 124, 128 (2nd Cir. 2005). However, when a party's pleading provides

1 insufficient notice of the claims because of its confusing structure, absence of numbered  
2 paragraphs, or the improper combination of multiple claims in a single count, the opposing party  
3 may move for a more definite statement, dismissal, or to strike the pleading. *Corbitt v. Home*  
4 *Depot USA, Inc.*, 573 F.3d 1223 (11th Cir. 2009), *Giles v. WalMart Distrib. Ctr.*, 359 Fed. Appx.  
5 91, 93 (11th Cir. 2009).

6 For the reasons stated, Defendant CCM respectfully requests that this honorable Court  
7 either dismiss the Plaintiff's Complaint without prejudice or, in the alternative, enter an order  
8 requiring the Plaintiff to plead in accordance with Rule 10 and number each and every paragraph  
9 so that a responsive pleading can be comprehensively and intelligently submitted.

10 DATED: This 10<sup>th</sup> day of October, 2011.

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of ROBISON, BELAUSTEGUI, SHARP & LOW, and that on this date I caused to be served a true copy of the **MOTION TO DISMISS COMPLAINT OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT** on all parties to this action by the method indicated below:

☒ by placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada, addressed to:

TIMOTHY HARRIS  
4005 Cherokee Rose Avenue  
North Las Vegas, NV 89031

*Plaintiff pro se*

☒ by using the Court's CM/ECF electronic service system addressed to:

TIMOTHY HARRIS  
4005 Cherokee Rose Avenue  
North Las Vegas, NV 89031  
Email: extremeps1@cox.net  
*Plaintiff pro se*

\_\_\_\_\_ by personal delivery/hand delivery

\_\_\_\_\_ by facsimile (fax)

\_\_\_\_\_ by Federal Express/UPS or other overnight delivery

DATED: This 10<sup>th</sup> day of October, 2011.

  
V. JAYNE FERRETTO

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